

RESOLUTION NO. 2012-10

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF KEY BISCAYNE, FLORIDA APPROVING AN
APPLICATION FOR A VARIANCE FROM THE NORTH
SIDE SETBACK FOR THE PROPERTY LOCATED AT 18
HARBOR POINT; AND PROVIDING FOR AN EFFECTIVE
DATE.**

WHEREAS, Edward and Amy Easton (the "Applicant") are the owners of 18 Harbor Point, Key Biscayne, Florida; and

WHEREAS, pursuant to Section 30-63 of the Village Code of Ordinances (the "Village Code"), the Applicant has submitted a Planning and Zoning Application, bearing Public Hearing # RV-34, seeking to vary the north side setback requirements of Section 30-100(e) of the Village Code (the "Variance"); and

WHEREAS, after proper public notice, the Village Council conducted a public hearing and considered all testimony and other evidence presented and otherwise made part of the record.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE
VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:**

Section 1. Recitals Adopted. The recitals set forth above are hereby adopted and confirmed.

Section 2. Findings. The Village Council finds that the Applicant has met all of the requirements in Section 30-63 of the Village Code. Specifically, the Village Council finds that the Variance will: (a) result in conditions that maintain and are consistent in all material respects with the intent and purpose of the Village Code, and that the general welfare, stability and appearance of the community will be protected and maintained; and (b) be compatible with the surrounding land uses, and otherwise consistent with the Village Code and the Comprehensive Plan, and will not be

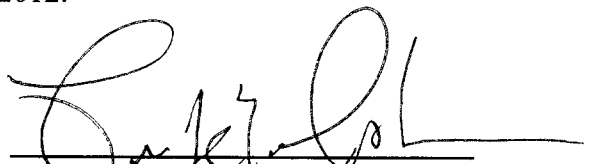
detrimental to the community.

Section 3. Approval of Variance for the North Side Setback. The Village Council hereby approves the Applicant's request to vary the provisions of Section 30-100 (e) of the Village Code to permit a north side setback variance of 7 feet 9.5 inches where 15 feet is required.

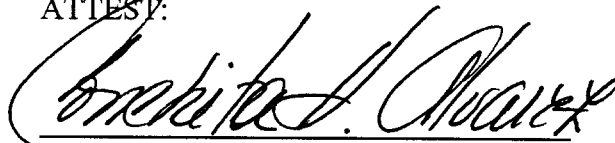
Section 4. Recording. This Resolution shall be recorded, prior to the issuance of a building permit, by the Applicant at its expense in the public records of Miami-Dade County. A copy of the proof of recordation shall be submitted to the Building, Zoning and Planning Department prior to the issuance of any building permits.

Section 5. Effective Date. This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 28 day of February, 2012.



MAYOR FRANKLIN H. CAPLAN

ATTEST:


CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


VILLAGE ATTORNEY



VILLAGE OF KEY BISCAINE

Office of the Village Clerk

Village Council

Franklin H. Caplan, *Mayor*
Michael E. Kelly, *Vice Mayor*
Michael W. Davey
Enrique Garcia
Robert Gusman
Mayra P. Lindsay
James S. Tantor

Village Clerk

Conchita H. Alvarez, *MMC*



CFN 2012R0239322
OR BK 28060 Pgs 0400 - 402; (3pgs)
RECORDED 04/04/2012 13:14:56
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

CERTIFICATION

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I, Conchita H. Alvarez, duly appointed Village Clerk of the Village of Key Biscayne, Florida, do hereby certify that the attached is a true and correct copy of:

Resolution No. 2012-10 adopted by the Village Council on February 28, 2012.

IN WITNESS WHEREOF, I hereunto set my hand and affix the Seal of the Village of Key Biscayne, Florida, this 27th day of March, 2012.



Conchita H. Alvarez, MMC
Village Clerk
Village of Key Biscayne, Florida